

BY AUTHORITY

ORDINANCE NO. 134

COUNCIL BILL NO. 94

SERIES OF 1996

COMMITTEE OF REFERENCE:

PUBLIC WORKS

TRANSPORTATION

A BILL

FOR AN ORDINANCE CREATING A LOCAL MAINTENANCE DISTRICT FOR THE CONTINUING CARE, OPERATION, SECURITY, REPAIR, MAINTENANCE AND REPLACEMENT OF THE EAST 13TH AVENUE PEDESTRIAN MALL IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, WITH THE COSTS OF SAID CONTINUING CARE, OPERATION, SECURITY, REPAIR, MAINTENANCE AND REPLACEMENT OF SAID EAST 13TH AVENUE PEDESTRIAN MALL TO BE ASSESSED UPON THE REAL PROPERTY, EXCLUSIVE OF IMPROVEMENTS THEREON, BENEFITED.

BE IN ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Upon consideration of a recommendation that an ordinance be enacted creating a local maintenance district for the continuing care, operation, security, repair, maintenance and replacement of the East 13th Avenue Pedestrian Mall in the City and County of Denver, State of Colorado, with the costs of said continuing care, operation, security, repair, maintenance and replacement of said East 13th Avenue Pedestrian Mall to be assessed upon the real property, exclusive of improvements thereon, benefited, Council finds:

(a) That the Manager of Public Works of the City and County of Denver, without having received petitions therefore has initiated and proposed the establishment of a local maintenance district for the continuing care, operation, security, repair, maintenance and replacement of the East 13th Avenue Pedestrian Mall in the City and County of Denver, State of Colorado, with the costs of said continuing care, operation, security, repair, maintenance and replacement of said East 13th Avenue Pedestrian Mall to be assessed upon the real property, exclusive of

improvements thereon, benefited;

(b) That at the time of the initiation of said proposed local maintenance district, the Manager of Public Works of the City and County of Denver estimated the total cost of the continuing care, operation, security, repair, maintenance and replacement of the East 13th Avenue Pedestrian Mall in said proposed local maintenance district for the first full year of the existence of said proposed local maintenance district;

(c) That the Manager of Public Works of the City and County of Denver gave due notice to the owners of the property benefited and to all persons interested generally concerning said local maintenance district, and a hearing was held as provided by the Charter of the City and County of Denver to hear written remonstrances to said proposed local maintenance district and for the purpose of considering the desirability of and the need for said proposed local maintenance district;

(d) That duly executed written remonstrances were not filed by the owners representing fifty or more percent of the assessed valuation of real property, exclusive of improvements thereon, within said proposed local maintenance district;

(e) That the Manager of Public Works of the City and County of Denver has entered an order approving said proposed local maintenance district;

(f) That all acts and proceedings of the Manager of Public Works of the City and County of Denver in the premises comply with the requirements of the Charter of the City and County of Denver;

(g) That by reason of the continuing care, operation, security, repair, maintenance and replacement of the East 13th Avenue Pedestrian Mall, the real property, exclusive of improvements thereon, within said proposed local maintenance district will be specially benefited in an amount equivalent to or exceeding the amount to be assessed; and

(h) That said proposed local maintenance district is lawful and necessary and should be created.

Section 2. A local maintenance district be and is hereby created for the continuing care, operation, security, repair, maintenance and replacement of the East 13th Avenue Pedestrian Mall in the City and County of Denver, State of Colorado, with the costs of said continuing care, operation, security, repair, maintenance and replacement of said East 13th Avenue Pedestrian Mall to be assessed upon the real property, exclusive of improvements thereon, benefited.

Section 3. The exterior boundaries of said local maintenance district are as follows:

Beginning at the intersection of the centerlines of 13th Avenue extended from the east and Grant Street; thence north along the centerline of Grant Street to the intersection with the north lot line and the north lot line extended of Lot 20, Block 66, H.C. Brown's 2nd Addition to Denver, Colorado and Lot 21, Block 66, J.W. Smith's Addition to Denver; thence east along said lot lines to the NE corner of said Lot 21; thence continuing east across Logan Street to the NW corner of Lot 20, Block 80, J.W. Smith's Addition to Denver; thence east along the north lot line and the north lot line extended of Lots 20 and 21 said Block 80 to the NE corner of said Lot 21; thence continuing east across Pennsylvania Street to the NW corner of Lot 20, Block 83, J.W. Smith's Addition to Denver; thence east along the north lot line and the north lot line extended of Lots 20 and 21 said Block 83 to the NE corner of said Lot 21; thence continuing east across Pearl Street to the NW corner of Lot 20, Block 90, J.W. Smith's Addition to Denver; thence east along the north lot line and the north lot line extended of Lot 20 said Block 90 to the intersection with the centerline of the alley in said Block 90; thence south along said centerline and said centerline extended to the intersection with the centerline of 13th Avenue; thence east along said centerline to the intersection with the centerline of Washington Street; thence south along said centerline to the intersection with the south lot line and the south lot line extended of Lots 1 and 40, Block 89, J.W. Smith's Addition to Denver; thence west along said lot lines to the SW corner of said Lot 1; thence continuing west across Pearl Street to the SE corner of Lot 40, Block 84, J.W. Smith's Addition to Denver; thence west along the south lot line and the south lot line extended of Lots 1 and 40 said Block 84 to the SW corner of said Lot 1; thence continuing west across Pennsylvania Street to the SE corner of Lot 40, Block 79, J.W. Smith's Addition to Denver; thence west along the south lot line and the south lot line extended of Lots 1 and 40 said Block 79 to the SW corner of said Lot 1; thence continuing west across Logan Street to the SE corner of Lot 40, Block 65, J.W. Smith's Addition to Denver, thence west along the south lot line and the south lot line extended said Lot 40 to the intersection with the centerline of the alley located between Block 65, J.W. Smith's Addition to Denver and Block 65, H.C. Brown's 2nd Addition to Denver, Colorado; thence south along said centerline a distance of 3.66 feet, more or less, to the intersection with the south lot line and the south lot line extended of Lot 1, Block 65, H.C. Brown's 2nd Addition to Denver, Colorado; thence west along said lot line to the intersection with the centerline of Grant Street; thence north along said centerline to the Point of Beginning.

Section 4. A description of the properties benefited is:

1. Lot 1 and adjacent strip of land, Block 65, H.C. Brown's 2nd Addition to Denver, Colorado.
2. Lot 20 and adjacent strip of land, Block 66, H.C. Brown's 2nd Addition to Denver, Colorado.
3. Lot 40, Block 65, J.W. Smith's Addition to Denver.
4. Lot 21, Block 66, J.W. Smith's Addition to Denver.
5. Lots 1 and 40, Block 79, J.W. Smith's Addition to Denver.
6. Lots 20 and 21, Block 80, J.W. Smith's Addition to Denver.
7. Lots 20 and 21, Block 83, J.W. Smith's Addition to Denver.
8. Lots 1 and 40, Block 84, J.W. Smith's Addition to Denver.
9. Lots 1 and 40, Block 89, J.W. Smith's Addition to Denver.
10. Lot 20, Block 90, J.W. Smith's Addition to Denver.

Section 5. The relative benefits to the real properties, exclusive of improvements thereon, within the local maintenance district be and are hereby apportioned based on a relationship between the lineal footage of the real property, exclusive of improvements thereon, receiving the right-of-way improvements and the total improved lineal footage; and each property owner then pays that percent of the total assessment.

Section 6. The Manager of public Works of the City and County of Denver is hereby authorized and directed to assess the costs of the continuing care, operation, security, repair, maintenance and replacement of the East 13th Avenue Pedestrian Mall, in accordance with the requirements of the Charter of the City and County of Denver.

Section 7. This ordinance shall be recorded among the records of the Clerk and Recorder of the City and County of Denver, State of Colorado.

PASSED BY THE COUNCIL February 12 1996

Deborah L. Ortega - PRESIDENT

APPROVED: William E. Cu M - MAYOR February 14 1996

ATTEST: Ebea Newseworth - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

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PREPARED BY: ROBERT M. KELLY, ASSISTANT CITY ATTORNEY 1/31/96

REVIEWED BY: [Signature] - CITY ATTORNEY 1/31/ 1996

SPONSORED BY COUNCIL MEMBER(S) \_\_\_\_\_